

## SENATE BILL No. 382

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-18.5-9.7; IC 6-1.1-18.5-10.1; IC 6-6-5-10; IC 12-23-14-14; IC 12-24-16-3; IC 14-22-12-9; IC 31-12-1-9; IC 31-31-9-11; IC 32-12-1-21; IC 33-5; IC 33-19; IC 36-2-7-2; IC 36-2-7-9.

**Synopsis:** Funding for courts. Requires a county to deposit court fees in a court fund established by the county instead of depositing them in the county's general fund. Provides that the costs of: (1) paying for judges' salaries, office expenses, and personnel; (2) providing adult probation, juvenile detention, juvenile probation, and public defenders; (3) operating the county clerk's office; and (4) certain other court related expenditures shall be paid from the court fund if they are not paid from the family and children's fund. Provides that each county will receive a monthly distribution from the state beginning in 2000 for deposit in the county court fund. Specifies that each county's distribution is equal to the 1998 court costs paid from the county's  
(Continued next page)

**Effective:** January 1, 2000.

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**Simpson**

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January 11, 1999, read first time and referred to Committee on Finance.

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Digest Continued

general fund and attributable to property taxes plus 10%, less the excise taxes allocated to the fund. Makes a continuing appropriation from the state general fund to make the distributions to counties. Provides for a decrease in the county general fund maximum property tax levy of each county to eliminate the portion previously dedicated to courts.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## SENATE BILL No. 382

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9.7. (a) The ad  
3 valorem property tax levy limits imposed by section 3 of this chapter  
4 do not apply to ad valorem property taxes imposed under any of the  
5 following:

- 6 (1) IC 12-16, except IC 12-16-1.  
7 (2) IC 12-19-3-3 through IC 12-19-3-7.  
8 (3) IC 12-19-4.  
9 (4) IC 12-19-5.  
10 (5) IC 12-19-7.  
11 (6) IC 12-20-24.  
12 (7) **IC 33-19-11.**

13 (b) For purposes of computing the ad valorem property tax levy  
14 limits imposed under section 3 of this chapter, a county's or township's  
15 ad valorem property tax levy for a particular calendar year does not



1 include that part of the levy imposed under the citations listed in  
2 subsection (a).

3 (c) Section 8(b) of this chapter does not apply to bonded  
4 indebtedness that will be repaid through property taxes imposed under  
5 IC 12-19.

6 SECTION 2. IC 6-6-5-10 IS AMENDED TO READ AS FOLLOWS  
7 [EFFECTIVE JANUARY 1, 2000]: Sec. 10. (a) The bureau shall  
8 establish procedures necessary for the collection of the tax imposed by  
9 this chapter and for the proper accounting for the same. The necessary  
10 forms and records shall be subject to approval by the state board of  
11 accounts.

12 (b) The county treasurer, upon receiving the excise tax collections,  
13 shall receipt such collections into a separate account for settlement  
14 thereof at the same time as property taxes are accounted for and settled  
15 in June and December of each year with the right and duty of the  
16 treasurer and auditor to make advances prior to the time of final  
17 settlement of such property taxes in the same manner as provided in  
18 IC 5-13-6-3.

19 (c) The county auditor shall determine the total amount of excise  
20 taxes collected for each taxing unit in the county, and the amount so  
21 collected shall be apportioned and distributed among the respective  
22 funds of each taxing unit in the same manner and at the same time as  
23 property taxes are apportioned and distributed. **A county shall deposit**  
24 **excise taxes in the county court fund established by IC 33-19-11.**

25 (d) Such determination shall be made from copies of vehicle  
26 registration forms furnished by the bureau of motor vehicles. Prior to  
27 such determination, the county assessor of each county shall, from  
28 copies of registration forms, cause information pertaining to legal  
29 residence of persons owning taxable vehicles to be verified from his  
30 records, to the extent such verification can be so made. He shall further  
31 identify and verify from his records the several taxing units within  
32 which such persons reside.

33 (e) Such verifications shall be done by not later than thirty (30) days  
34 after receipt of vehicle registration forms by the county assessor, and  
35 the assessor shall certify such information to the county auditor for his  
36 use as soon as it is checked and completed.

37 SECTION 3. IC 12-23-14-14 IS AMENDED TO READ AS  
38 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 14. (a) The costs  
39 of an alcohol and drug services program established under this chapter  
40 shall be paid out of the city general fund or the county **general court**  
41 fund and may be supplemented by payment from the user fee fund  
42 upon appropriation made under IC 33-19-8.



(b) The court shall fix the compensation of employees and contractors.

SECTION 4. IC 12-24-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. The costs specified in this chapter shall be paid out of the county ~~general~~ **court** fund upon the certificate of the circuit court clerk and the warrant of the county auditor.

SECTION 5. IC 14-22-12-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) Each clerk of the circuit court or agent selling licenses under this article shall report to the director within five (5) days after the close of each quarter the following:

(1) The number of each respective kind of licenses sold during the preceding quarter.

(2) The serial numbers of the licenses.

(3) The number of unsold licenses of each kind remaining in the possession of the clerk or agent.

(b) At the time of making the report, the clerk or agent shall remit all money collected for the licenses.

(c) The clerk of the circuit court in each county shall retain as the property of the county the service fees provided by section 8 of this chapter from the sale of licenses sold by the clerk. The clerk shall pay the fees promptly into the county ~~general~~ **court** fund as other fees are paid, subject to section 12 of this chapter.

SECTION 6. IC 31-12-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) In each of the judicial circuits in which this chapter applies, judges of the superior and circuit courts may appoint one (1) or more professionally qualified domestic relations:

(1) referees;

(2) counselors;

(3) assistants; and

(4) clerks;

as are considered necessary to serve at the pleasure of the appointing judge.

(b) The appointing judge shall fix the compensation and expense of the personnel appointed under this chapter, which shall be paid out of the county ~~general~~ **court** fund.

SECTION 7. IC 31-31-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 11. All expenses for the operation of the juvenile detention center shall be paid out of the county ~~general~~ **court** fund.



SECTION 8. IC 32-12-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 21. For whatever services the clerk of the circuit court is required to perform under this chapter, he shall be allowed the same fees as are allowed him by law for similar services in other civil proceedings; and the appraisers under this chapter shall be entitled to one dollar ~~(\$1.00)~~ (\$1) per day each for their services. ~~and~~ The judge of such court shall allow the trustee such remuneration for his services in executing his trust out of the ~~general~~ **court** fund as such judge may deem just and proper.

SECTION 9. IC 33-5-19-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The Grant superior court No. 2 shall hold its sessions in a place to be determined by the county council of Grant County, Indiana, and the board of county commissioners of Grant County shall provide and maintain in the courthouse a suitable and convenient courtroom for the holding of said court, together with a suitable and convenient jury room and offices for the judge and the official court reporter. The board of county commissioners shall provide all necessary furniture and equipment for the rooms and offices of the court and all necessary dockets, books, and records for the court. The county council shall make the necessary appropriations ~~from the general fund of the county~~ for the purpose of carrying out the provisions of this chapter.

SECTION 10. IC 33-5-37-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. The Morgan superior court shall hold its sessions in the Morgan County courthouse, in the city of Martinsville, Indiana, and the board of county commissioners of Morgan County shall provide and maintain in the courthouse a suitable and convenient courtroom for the holding of said court, together with a suitable and convenient jury room and offices for the judge and the official court reporter. The board of county commissioners shall provide all necessary furniture and equipment for the rooms and offices of the court and all necessary dockets, books, and records for the court. The county council shall make the necessary appropriations ~~from the general fund of the county~~ for the purpose of carrying out the provisions of this chapter.

SECTION 11. IC 33-5-39-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 6. (a) Each court shall hold its sessions in the Shelby County courthouse, in the city of Shelbyville, Indiana, and the board of commissioners of Shelby County shall:

- (1) provide and maintain, in the courthouse, a suitable and convenient courtroom for the holding of each court, together with



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1 a convenient jury room and offices for the presiding judge and the  
2 official court reporter; and

3 (2) provide all necessary furniture and equipment for the rooms  
4 and offices and all necessary dockets, books, and records for each  
5 court.

6 (b) The board of commissioners of Shelby County shall have sole  
7 and exclusive control over the choice of a courtroom and furnishing it  
8 for court use.

9 (c) The county council of Shelby County shall appropriate sufficient  
10 funds: ~~from the general fund of the county~~:

11 (1) to defray the expense of equipping and furnishing the  
12 courtrooms, jury rooms, and offices of the judges and court  
13 reporters for the courts; and

14 (2) for the maintenance of the courtrooms and offices and for all  
15 other expenses incidental to the conduct of each court.

16 SECTION 12. IC 33-5-42-5 IS AMENDED TO READ AS  
17 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. Superior court  
18 No. 2 of Tippecanoe County shall hold its sessions in a place to be  
19 determined by the county council of Tippecanoe County, Indiana, and  
20 the board of county commissioners of Tippecanoe County shall provide  
21 and maintain in the courthouse or at such other convenient place as the  
22 board of commissioners or the judge of said court may provide at the  
23 county seat, a suitable and convenient courtroom for the holding of said  
24 court together with a suitable and convenient jury room and offices for  
25 the judge and the official court reporter. The board of county  
26 commissioners shall provide all necessary furniture and equipment for  
27 the rooms and offices of the court and all necessary dockets, books, and  
28 records for the court. The county council shall make the necessary  
29 appropriations ~~from the general fund of the county~~ for the purpose of  
30 carrying out the provisions of this chapter.

31 SECTION 13. IC 33-5-47-5 IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 5. The Wayne  
33 superior court No. 2 shall hold its sessions in a place to be determined  
34 by the county council of Wayne County, Indiana, and the board of  
35 county commissioners of Wayne County shall provide and maintain in  
36 the courthouse a suitable and convenient courtroom for the holding of  
37 said court, together with a suitable and convenient jury room and  
38 offices for the judge and the official court reporter. The board of county  
39 commissioners shall provide all necessary furniture and equipment for  
40 the rooms and offices of the court and all necessary dockets, books, and  
41 records for the court. The county council shall make the necessary  
42 appropriations ~~from the general fund of the county~~ for the purpose of



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carrying out the provisions of this chapter.

SECTION 14. IC 33-5-48-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 10. The court shall hold its sessions in a place to be determined and provided by the county council of Wayne County, Indiana. The board of county commissioners of Wayne County shall provide and maintain in the courthouse a suitable and convenient courtroom for holding the court, together with a suitable and convenient jury room and offices for the judge, official court reporter, and staff of the court. The board of county commissioners shall provide all necessary furniture and equipment for the rooms, offices, and employees of the court and all necessary dockets, books, and records for the court. The county council shall make all necessary appropriations ~~from the general fund of the county~~ for the purpose of carrying out the provisions of this chapter.

SECTION 15. IC 33-19-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 3. (a) Except for the state share prescribed by IC 33-19-7-1 for semiannual distribution, and as provided under IC 33-17-1-4(e) and IC 33-19-6-1.5, within thirty (30) days after the clerk collects a fee, the clerk shall forward the fee to:

- (1) the county auditor, if the clerk is a clerk of a circuit court; or
- (2) the city or town fiscal officer, if the clerk is the clerk of a city or town court.

(b) If part of the fee is collected on behalf of another person for service as a juror or witness, the county auditor or city or town fiscal officer shall forward that part of the fee to the person within forty-five (45) days after the auditor or fiscal officer receives the claim for the fee.

(c) Except for amounts deposited in a user fee fund established under IC 33-19-8, the county auditor shall distribute fees received from the clerk to:

- (1) the county treasurer for deposit in the county ~~general court~~ fund, if the fee belongs to the county; and
- (2) the fiscal officer of a city or town, if the fee belongs to the city or town under IC 33-19-7-3.

(d) Except for amounts deposited in a user fee fund established under IC 33-19-8, the city or town fiscal officer shall deposit all fees received from a clerk in the treasury of the city or town.

(e) The clerk shall forward the state share of each fee to the state treasury at the clerk's semiannual settlement for state revenue.

SECTION 16. IC 33-19-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 4. (a) The clerk

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of a city or town court shall semiannually distribute to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(b) Once each month the city or town fiscal officer shall distribute to the county auditor **for deposit in the county court fund** as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:

- (1) IC 33-19-5-1(a) (criminal costs fees).
- (2) IC 33-19-5-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-19-5-4(a) (civil costs fees).
- (4) IC 33-19-5-5 (small claims costs fees).
- (5) IC 33-19-6-16.2 (deferred prosecution fees).

(d) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state user fee fund established under IC 33-19-9 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-19-5-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-19-5-1(b)(6), IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).
- (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-19-5-1(b)(9) and IC 33-19-5-2(b)(5).
- (4) One hundred percent (100%) of the safe schools fee collected under IC 33-19-6-16.3.

(e) The clerk of a city or town court shall monthly distribute to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under

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1 IC 33-19-5-1(b)(5).

2 (2) Seventy-five percent (75%) of the alcohol and drug  
3 countermeasures fees collected under IC 33-19-5-1(b)(6),  
4 IC 33-19-5-2(b)(4), and IC 33-19-5-3(b)(5).

5 The county auditor shall deposit fees distributed by a clerk under this  
6 subsection into the county drug free community fund established under  
7 IC 5-2-11.

8 SECTION 17. IC 33-19-7-7 IS AMENDED TO READ AS  
9 FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 7. (a) This section  
10 applies to a county in which there is established a pension trust under  
11 IC 36-8-10-12.

12 (b) From the county share distributed under section 2 of this chapter  
13 and deposited into the county general **fund before January 1, 2000,**  
14 **and the county's court fund thereafter,** the county fiscal body shall  
15 appropriate twelve dollars (\$12) for each verified claim presented by  
16 the sheriff to the fiscal body under subsection (c). Amounts  
17 appropriated under this subsection shall be deposited by the county  
18 auditor into the pension trust established under IC 36-8-10-12.

19 (c) For each service of a writ, order, process, notice, tax warrant, or  
20 other paper completed by the sheriff, the sheriff shall submit to the  
21 county fiscal body a verified claim of service.

22 SECTION 18. IC 33-19-11 IS ADDED TO THE INDIANA CODE  
23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
24 JANUARY 1, 2000]:

25 **Chapter 11. County Court Fund**

26 **Sec. 1. Each county shall establish a court fund to be funded by**  
27 **court related fees and by a distribution from the state. A county**  
28 **shall deposit miscellaneous revenue, including county income tax**  
29 **revenue under IC 6-3.5, financial institutions tax distributions**  
30 **under IC 6-5.5, and motor vehicle excise tax revenue under**  
31 **IC 6-6-5, in the fund. The amount to be deposited shall be based on**  
32 **the state distribution to the county under this chapter.**

33 **Sec. 2. The county fiscal body shall make appropriations from**  
34 **the court fund to pay the county's share of all court costs for each**  
35 **circuit, superior, probate, and county court in the county that are**  
36 **not paid from the family and children's fund established under**  
37 **IC 12-19-7-3. A county's share of court costs includes the**  
38 **following:**

- 39 (1) **Paying judges' salaries and office expenses.**  
40 (2) **Paying court personnel costs.**  
41 (3) **Providing adult probation.**  
42 (4) **Providing juvenile probation.**



(5) Providing juvenile detention.

(6) Providing public defenders.

(7) Operating the county clerk's office.

(8) Supplementing juror fees.

(9) Providing court established alcohol and drug services programs that are not paid from user fee funds.

**Sec. 3.** A county may not impose a court fund property tax levy.

**Sec. 4.** Beginning in January, 2000, the auditor of state shall begin monthly distributions to county treasurers for deposit in the county court fund. The county distribution equals the amount determined using the following formula:

**STEP ONE:** Determine the amount spent by the county for expenditures described in section 2 of this chapter during calendar year 1998.

**STEP TWO:** Multiply the amount determined under STEP ONE by one and one-tenth (1.1).

**STEP THREE:** Subtract the average annual amount of court fees and miscellaneous revenues received by the county and used for expenditures described in section 2 of this chapter after December 31, 1994, and before January 1, 1999, from the amount determined under STEP TWO.

The money needed to make the distributions required by the formula is appropriated from the state general fund. In addition, the auditor of state shall make any supplemental distribution specified for each county in the biennial budget act at the times prescribed in that act.

**Sec. 5.** The state board of tax commissioners shall reduce each county's 2000 maximum general fund levy for purposes of IC 6-1.1-18.5 by the amount of the county's state distribution for 2000 under this chapter. The reduced maximum levy becomes the county's general fund levy for purposes of determining the county maximum general fund levy under IC 6-1.1-18.5 after 1999.

**Sec. 6.** The state board of tax commissioners may adopt rules under IC 4-22-2 to govern which classes of expenditures are payable from a county's court fund under this chapter and which classes of court related fees must be deposited in the county court fund. Rules adopted under this section must promote statewide uniformity in the implementation of this chapter.

SECTION 19. IC 36-2-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 2. Except as otherwise provided by sections 6, 9, and 13 of this chapter, the compensation fixed for county officers and employees under this title



is in full for all governmental services and in lieu of all:

- (1) fees;
- (2) per diems;
- (3) penalties;
- (4) costs;
- (5) interest;
- (6) forfeitures;
- (7) percentages;
- (8) commissions;
- (9) allowances;
- (10) mileage; and
- (11) other remuneration;

which shall be paid into the county general fund **or the county court fund.**

SECTION 20. IC 36-2-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2000]: Sec. 9. (a) When the county treasurer performs duties in a second class city under IC 36-4-10-6, the treasurer shall pay fees accruing exclusively on city business into the general fund of the city.

(b) This chapter does not require the county sheriff to pay the following into the county general fund:

- (1) Any damages set forth in a warrant that is issued by the department of state revenue and on which collection is made by the sheriff, including damages prescribed by IC 6-8.1-8.
- (2) Sums ~~other than court fees~~, retained by the circuit court clerk for the sheriff from the collections obtained by warrants of the department of workforce development.
- (3) Sums allowed by IC 36-8 to sheriffs for the feeding of prisoners.

SECTION 21. IC 6-1.1-18.5-10.1 IS REPEALED [EFFECTIVE JANUARY 1, 2000].

SECTION 22. [EFFECTIVE JANUARY 1, 2000] (a) **The state board of tax commissioners may adopt emergency rules in the manner provided by IC 4-22-2-37.1 to implement IC 33-19-11, as added by this act. An emergency rule adopted under this SECTION expires on the earlier of the following:**

- (1) **The date a permanent rule is adopted under IC 4-22-2 to replace the emergency rule.**
- (2) **July 1, 2000.**

(b) **This SECTION expires July 1, 2000.**

SECTION 23. [EFFECTIVE JANUARY 1, 2000] **IC 33-19-11, as added by this act, applies only to the county general fund**



- 1     **maximum permissible ad valorem property tax levy and**
- 2     **appropriations for calendar years after December 31, 1999.**

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